

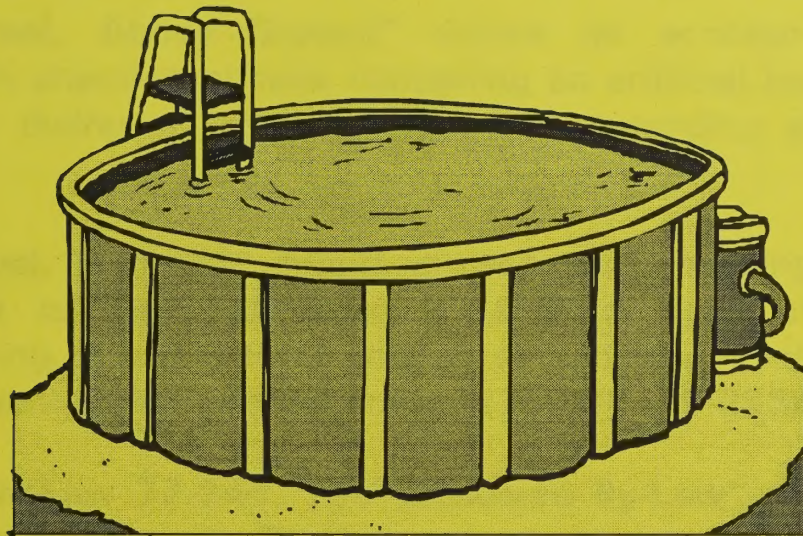
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**URBAN
MUNICIPAL**

SWIMMING POOLS

A HOMEOWNER'S GUIDE



**Building Department
3rd Floor, City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5**

**Office Hours:
Monday to Thursday
8:00 a.m. to 6:00 p.m.
Friday
8:00 a.m. to 5:00 p.m.**

General Information: (905) 546-2720

PRIVATE SWIMMING POOLS

A Homeowner's Guide

If you are a homeowner and are planning to install a pool on your property, this guide will provide the information required to ensure that your residential swimming pool meets all local zoning and safety by-laws.

What is a Swimming Pool?

Hamilton Zoning By-Law 6593 defines a swimming pool as:

"Swimming Pool, Above Ground" means an accessory building, structure, basin chamber or tank containing an artificial body of water for swimming, diving or recreational bathing extending above grade. (75-86)

"Swimming Pool, Inground" means an accessory building, structure, basin chamber or tank containing an artificial body of water for swimming, diving or recreational bathing extending not more than 0.5 metres (1.64 feet) above existing grade. (75-86) (79-288) (80-049)

Furthermore, By-Law 77-244 **"Pool Enclosure By-Law"** also defines a **"Privately Owned Swimming Pool"** as:

"Any privately owned body of water located out of doors which is contained wholly or partly by artificial means and which can hold water exceeding 12" in depth at any point, and exceeding 1000 gallons (160.5 cubic feet) in volume and which is used or capable of being used for swimming and includes appurtenances thereto but does not include a swimming pool owned by a public or governmental body, agency, or authority and does not include water bodies used solely for ornamental purposes".

Building Permits

A building permit is not required for the installation of a residential swimming pool. However, there is very important information you should know when you are considering the pleasures of a pool.

Hamilton Zoning By-Law Requirements

A swimming pool must be installed in conformance with the Hamilton Zoning By-Law for location, lot coverage, pumps/filters, change houses etc.

Location

▪ Pools on an Interior Lot: (See Figure 1)

Section 18(4)(ib) of Hamilton Zoning By-Law 6593:

An above ground swimming pool installed in, (75-86)

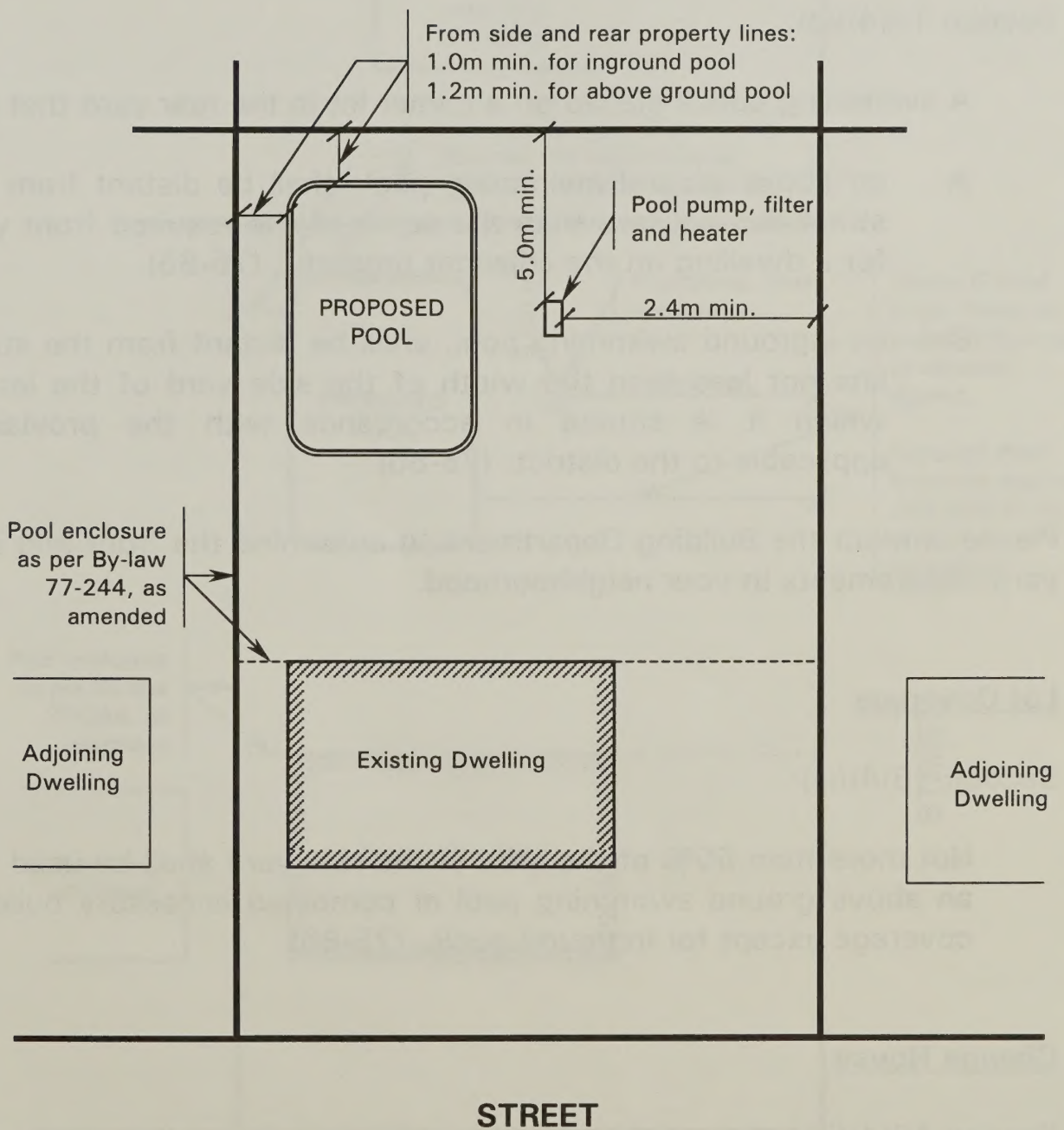
- A. a rear yard shall be distant from the nearest lot line not less than 1.2 metres (3.94 feet); (79-288) (80-049)
- B. a front yard or side yard shall be distant from the nearest lot line at least the minimum distance required for a building or structure on the lot on which it is situate in accordance with the provisions applicable to the district; (75-86)

Section 18(4)(ic) of Hamilton Zoning By-Law 6593:

An inground swimming pool installed in,

- A. a rear yard shall be distant from the nearest lot line not less than 1.0 metres (3.28 feet); (79-288) (80-049)
- B. a front yard or side yard shall be distant from the nearest lot line in accordance with subclause B of clause (ib). (75-86)

Figure 1



SWIMMING POOL ON AN INTERIOR LOT

▪ **Pools on a Corner Lot:** (See Figure 2)

Section 18(4)(id):

A swimming pool installed on a corner lot in the rear yard that is,

- A. an above ground swimming pool, shall be distant from the street line not less than the depth of the required front yard for a dwelling on the adjacent property; (75-86)
- B. an inground swimming pool, shall be distant from the street line not less than the width of the side yard of the lot on which it is situate in accordance with the provisions applicable to the district. (75-86)

Please contact the Building Department to determine the front and side yard requirements in your neighbourhood.

Lot Coverage

Section 18(4)(ie):

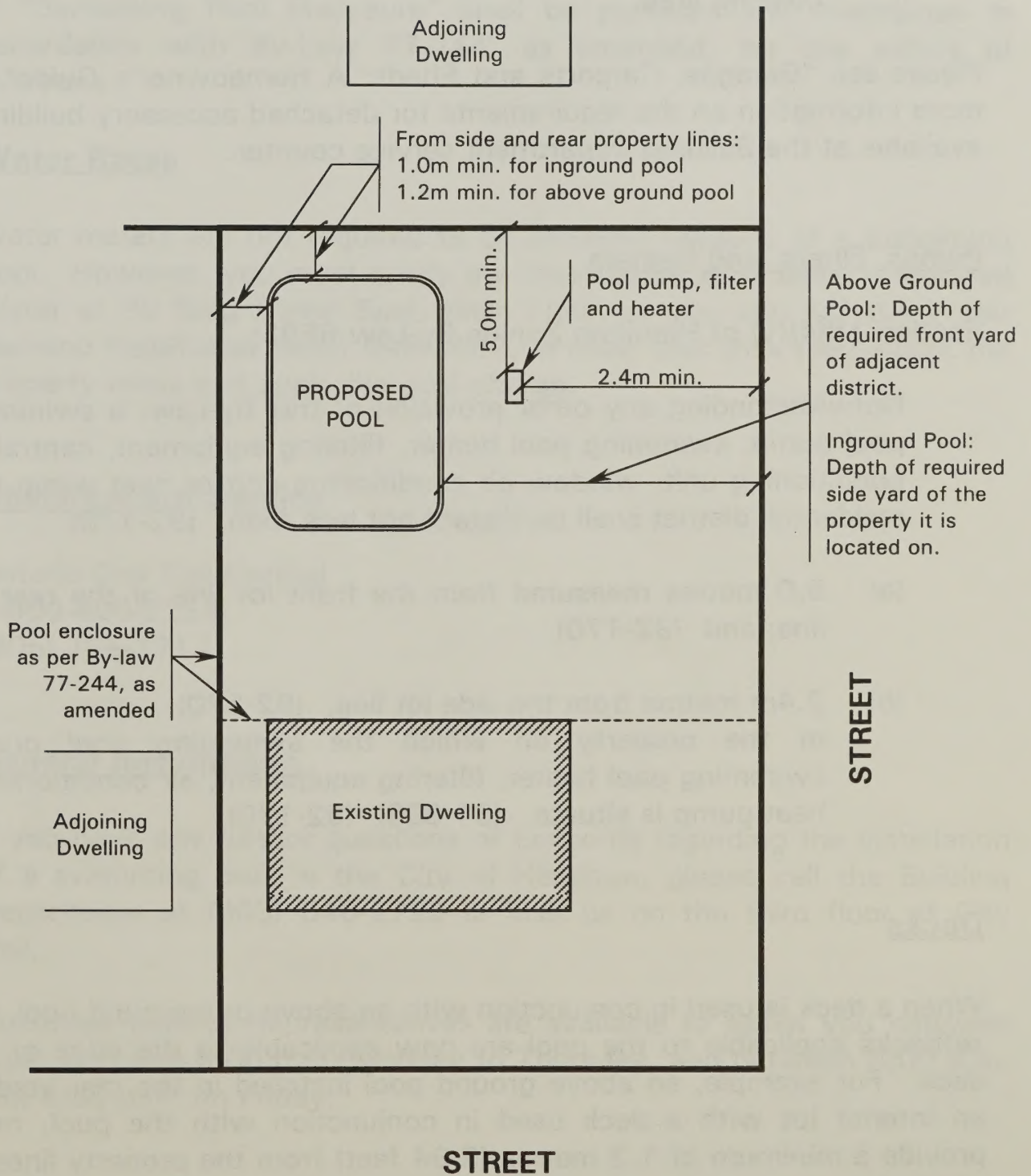
Not more than 50% of the area of the rear yard shall be used for, an above ground swimming pool or combined accessory building coverage except for inground pools. (75-86)

Change House

Section 18(4)(if):

All facilities for changing clothes in conjunction with swimming pools, or other such accessory uses shall be subject to the provisions of this By-Law applicable to accessory buildings (75-86) (92-170)

Figure 2



SWIMMING POOL ON A CORNER LOT

NOTE: A Building Permit is required for any detached accessory structure exceeding 10 square metres (108 square feet) in building area.

Please see "Garages, Carports and Sheds: A Homeowner's Guide" for more information on the requirements for detached accessory buildings, available at the Building Department service counter.

Pumps, Filters, and Heaters

Section 18(4)(v) of Hamilton Zoning By-Law 6593:

Notwithstanding any other provision of this By-Law, a swimming pool pump, swimming pool heater, filtering equipment, central air conditioning unit, window air conditioning unit or heat pump in a residential district shall be distant not less than, (92-170)

- (a) 5.0 metres measured from the front lot line or the rear lot line; and (92-170)
- (b) 2.4m metres from the side lot line, (92-170)
of the property on which the swimming pool pump, swimming pool heater, filtering equipment, air conditioner or heat pump is situate. (81-308) (92-170)

Decks

When a deck is used in conjunction with an above or inground pool, the setbacks applicable to the pool are now applicable to the edge of the deck. For example, an above ground pool installed in the rear yard of an interior lot with a deck used in conjunction with the pool, must provide a minimum of 1.2 metres (3.94 feet) from the property lines to the deck.

NOTE: A Building Permit is required for a deck if it exceeds 10 square metres (108 square feet).

Fencing and Pool Enclosure

A "Swimming Pool Enclosure" shall be provided and maintained in accordance with By-Law 77-244, as amended, for the safety of everyone.

Water Rates

Water meters are not required to be installed because of a swimming pool. However, you must notify the Department of Finance – Metered Water at 35 King Street East, Main Floor, or you can call the Water Demand Helpline at (905) 546-2492, in order that they may adjust the property taxes and apply the pool charge.

Utility Locate Service

Ontario One Call Limited
1-800-400-2255
(905) 709-1717

General Information

If you have any further questions or concerns regarding the installation of a swimming pool in the City of Hamilton, please call the Building Department at (905) 546-2720 or visit us on the third floor of City Hall.

Customer Service Representatives are available to assist you between 8:00 a.m. and 6:00 p.m. Monday to Thursday, and between 8:00 a.m. and 5:00 p.m. on Friday.

THE CORPORATION OF THE CITY OF HAMILTON

CONSOLIDATION OF BY-LAWS

BY-LAW NO. 93-192

AND

BY-LAW NO. 77-244

RESPECTING

FENCES AND GATES AROUND PRIVATE OUTDOOR SWIMMING POOLS

WHEREAS paragraph 30 of Section 210 of the Municipal Act, R.S.O. 1990, Chapter M.45 provides,

"For requiring owners of privately-owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, for prescribing the height and description of, and the manner of erecting and maintaining, such fences and gates, for prohibiting persons from placing water in privately-owned outdoor swimming pools or allowing water to remain therein unless the prescribed fences and gates have been erected, for requiring the production of plans of all such fences and gates, for the issuing of a permit certifying approval of such plans without which permit no privately-owned outdoor swimming pool may be excavated for or erected and for authority the refusal of a permit for any such fences or gates that if erected would be contrary to any By-Law or the municipality.

(a) A By-Law passed under this paragraph may be made applicable to the whole municipality or to one or more defined areas thereof as set out in the By-Law. R.S.O. 2980, c. 302, s. 210, pars. 22, 23."

AND WHEREAS By-Law No. 77-244 was enacted by The Corporation of the City of Hamilton on September 27, 1977;

AND WHEREAS the Council of The Corporation of the City of Hamilton, on August 23, 1993, in adopting Item 7 of the 13th Report of the Planning and Development Committee authorized this By-Law;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. In this By-Law,

- (a) **"Chief Building Official"** means the Chief Building Official appointed by Council under Section 3 of the Building Code Act, S.O. 1992, Chapter 23." (93-192)
- (b) **"effective ground level"** means the highest level of the ground at a particular location taking into consideration the surrounding ground level for a horizontal distance of four feet either side of the location being considered;
- (c) **"privately owned outdoor swimming pool"** means any privately owned body of water located out of doors which is contained wholly or partly by artificial means and which can hold water exceeding 12" in depth at any point, and exceeding 1000 gallons (160.5 ft.) in volume and which is used or capable of being used for swimming and includes appurtenances thereto but does not include a swimming pool owned by a public or governmental body, agency, or authority and does not include water bodies used solely for ornamental purposes;
- (d) **"swimming pool enclosure"** means a fence or wall or combination thereof including any doors or gates surrounding a privately owned outdoor swimming pool and restricting access thereto.

APPLICATION FOR PERMIT

- 2. Repealed (93-192)

PERMITS

- 3. Repealed (93-192)

ENCLOSURES

- 4.
 - (1) The owner of any lands on which a privately owned outdoor swimming pool is located or erected or proposed to be located or erected shall erect and maintain in good repair an enclosure around the entire swimming pool area and sufficient to render the pool area reasonably inaccessible to children.
 - (2) No person shall fill a privately owned outdoor swimming pool with water or allow water to remain therein unless the enclosure prescribed by this By-Law has been provided.
 - (3) Except as provided in subsection 4, the enclosure required under this By-Law shall extend from the effective ground level to a minimum vertical height, measured on the outside of the enclosure of not less than five feet.
 - (4) The wall of a building may form a part of the required swimming pool enclosure, except where such a provision would result in either of the following being located within said pool enclosure,

- (a) a main building exit; or
 - (b) a utility meter or furnace oil filler pipe that requires periodic inspection or attendance by utility or service personnel.
- (5) Except for a building or wall that may form part of a swimming pool enclosure, the required swimming pool enclosure shall have no attachments on the exterior face including,
- (a) horizontal or diagonal bracing; or
 - (b) horizontal rails; or
 - (c) any other members whether structural or otherwise that enable or facilitate climbing by any person.
- (6) All swimming pool enclosures shall be at least 2' (feet) distant from the inside wetted wall of the pool.

5.

- (1) A fence or its equivalent that forms a swimming pool enclosure or part thereof shall be composed of,
- (a) chain link construction; or
 - (b) vertical board construction; or
 - (c) other materials and construction as provided for in clause (4).
- (2) A fence of chain link construction shall,
- (a) have a mesh not greater than 1½", and
 - (b) be constructed of galvanized steel wire not less than 12 ga. or of minimum 14 ga. steel wire covered with a vinyl or other approved coating which would form a total thickness equivalent to 12 ga. galvanized steel wire; and
 - (c) be supported by minimum 1½" galvanized steel posts spaced not more than 8 feet apart, at least three feet below grade and be encased in concrete at least 2 inches thick all around; and
 - (d) have top and bottom rails firmly fastened to the upright posts, made of minimum 1-1/4" galvanized steel pipe. A galvanized steel tension rod 1/4 inch diameter may be substituted for the bottom rail.
- (3) A fence of wood construction shall,

- (a) have vertical boarding not less than 1" x 4" nominal and shall have no openings with a dimension greater than 4 inches; and
 - (b) be supported by posts at least 4" x 4" square or 4" in diameter, nominal dimensions, spaced not more than eight feet in centres. Such posts extend at least three feet into the ground and that portion of the post below grade shall be treated with a wood preservative; and
 - (c) have top and bottom rails with at least 2" x 4" nominal dimensions, and spaces at least 3'6" apart in such a manner as to not facilitate climbing from the outside.
- (4) A fence or its equivalent of any other construction that may yield an equivalent or greater degree of safety to that specified in subsections 2 and 3 of this Section may be approved by the Chief Building Official upon receipt of complete plans and specifications for such fence. (93-192)
- (5) Fences when forming part of the required swimming pool enclosure shall contain no barbed wire, electrical wiring, sharp projections or any other dangerous characteristics.

GATES AND ENTRANCES

6. Gates that form a part of the swimming pool enclosure shall be,
- (a) of such height and of such construction as will provide a degree of safety and rigidity equivalent to or greater than that of a required fence; and
 - (b) supported on substantial hinges; and
 - (c) self-closing and self-latching with the latching device at the top of and on the inside of the gate.

GUARDS FOR ABOVE GROUND POOLS

7. All above ground privately owned outdoor swimming pools with walkways higher than 24 inches above the effective ground level shall be provided with guards at least 36 inches in height measured from the walkway level. The required swimming pool enclosure may form part of the required guard. (93-192)

PENALTIES

8. Every person who contravenes any provisions of this By-Law is guilty of an offence and upon conviction is liable to the penalties specified by Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33. (93-192)



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